



City of Annapolis
Planning and Zoning Department
159 Duke of Gloucester Street
Annapolis, Maryland 21401
410-263-7961

BOARD OF APPEALS APPLICATION

NOTICE: A PRE-APPLICATION MEETING with staff is recommended in order to insure that your application is complete and that you are aware of all applicable zoning requirements. NINE copies of a COMPLETE application shall be filed with the Department of Planning and Zoning at least 30 days prior to the hearing.

An APPEAL is hereby taken from an administrative decision by the Zoning Officer or other administrative official.

An application for a VARIANCE from the provisions of the Zoning Code is hereby made.

Property Owner/Applicant _____

Phone no.(s) _____

Address _____

Address & description of property, if different from above:

Representative of property owner:

* The Department of Planning and Zoning must be notified in writing of any change of representative for the applicant.

Name _____ Phone _____

Address _____

Specific Appeal/Variance Sought

Please specify administrative decision/Code Section being appealed or Code Section and lineal feet/area to be varied, etc.

Describe Grounds of Appeal/Variance

Please attach a separate sheet, if additional space is required.

Applicant must submit all of the following for a VARIANCE request; For an APPEAL, only the last FIVE items are required:

- < If applicable, NINE copies of the State of Maryland Critical Area Compliance Information;
- < ONE copy of names of the persons having financial or vested interest in the project;
- < NINE copies of a plat showing the property, existing structures, vegetation and proposed improvements to scale and to mailing size;
- < NINE copies of exterior elevations and interior floor plans of the existing structure and proposed improvements;
- < NINE copies of photographs showing the existing structure and the sections to be altered; All original photographs shall be mounted on 8-1/2" x 11" white paper and clearly identified; photocopies of the photographs may be used in the remaining eight packets;

- < NINE copies of a vicinity map (as required by the attached General Information and Instructions), and to mailing size;
- < NINE copies of a Written Statement of how the variance request meets the six standards of Section 21.80.040, and/or in the case of Critical Area variances, the five standards of Section 21.67.150, attached;
- < ONE listing of all property owners within 200 feet of the subject property;
- < Applicable Fee (\$550 for an Appeal; \$200 for single family dwelling variance; \$350 for all other variances);
- < TWO sets of stamped No. 10 envelopes addressed to the surrounding property owners within 200 feet;
- < Upon notification, post a Public Hearing sign on the property;
- < Presentation of a master package of exhibits at the night of the hearing, see information sheet.

The applicant will be billed for newspaper advertisements as noted in the general information and instruction sheet.

I Hereby Certify that I am the property owner or authorized agent qualified to complete this application and the facts and declarations of intent set forth herein are true and are intended to be relied upon by the established officials of the City of Annapolis.

Signature of Applicant

Date

Hearings before the Board of Appeals are conducted in accordance with the applicable provisions of Section 4.07 of Article 66B of the Annotated Code of Maryland, Sections 21.88.020, 21.80 and 21.90 of the Code of the City of Annapolis, and the bylaws of the Board. Copies of the bylaws of the Board of Appeals are available in the Planning and Zoning Department.

Expiration - extension: no order of the Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of the order, unless the building permit is obtained within that period and the erection or alteration of a building is started or the use is commenced within that period. However, the Board of Appeals, in its discretion and upon a showing of good cause, may grant up to two (2) successive extensions of an order granting a variance for periods not longer than six (6) months each, provided that a written application for each extension is filed while the prior order is still valid. (Section 21.80.050 - Annapolis City Code).

GENERAL INFORMATION AND INSTRUCTIONS FOR AN APPEAL/VARIANCE TO THE ANNAPOLIS BOARD OF APPEALS

An application for a variance or an appeal from an administrative decision shall be filed in writing with the Department of Planning & Zoning, and shall contain such information as the Board of Appeals may require.

The Board may grant variances *only* on the following basis and the applicant should make sure that his/her particular application *will* meet these standards.

Standards for Variances

A written response to each of the standards listed below is required as part of the application for a variance. The following is taken from the Annapolis City Code, Title 21, entitled "Planning and Zoning", Section 21.80.040; or in the case of Critical Area variances, Section 21.67.150:

Section 21.80.040

The Board of Appeals shall not vary the regulations of this chapter as authorized in this section, unless it shall make findings based upon the evidence presented to it in each specific case that:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular **hardship to the owner** would result as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a variation is based are **unique to the property** for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the variance is **not based** exclusively upon a desire to **increase financial gain**.
4. The alleged **difficulty** or **hardship** is **caused by this chapter** and has not been created by any persons presently having an interest in the property.
5. The granting of the variation will **not be detrimental to the public welfare or injurious to other property or improvements** in the neighborhood in which the property is located.
6. The proposed variation **will not impair an adequate supply of light and air** to adjacent property, or substantially **increase the congestion of the public streets, or increase the danger of fire, or substantially diminish or impair value** within the neighborhood.

Section 21.67.150

The Board of Appeals shall not vary the regulations of the City of Annapolis Critical Area Program as authorized in this section, unless it shall make findings based upon the evidence presented to it in each specific case that:

1. That special conditions or circumstances exist that are peculiar to the land or structure within the city's critical area program, would result in unwarranted hardship;
2. That a literal interpretation of Title 27, Subtitle 01, of the Code of Maryland Regulations or the city critical area program and related ordinances will deprive the applicant or rights commonly enjoyed by other properties in similar areas within the critical area of the city;
3. That the granting of a variance will not confer upon an applicant any special privilege that would be denied by Title 27, Subtitle 01, of the Code of Maryland Regulations or the city critical area program to other lands or structures within the city critical area;
4. That the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition conforming, on any neighboring property;

5. That the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the city's critical area, and that granting of the variance will be in harmony with the general spirit and intent of the critical area law and the regulations adopted in Title 27, Subtitle 01, of the Code of Maryland Regulations.

The board of appeals may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the standards established in these sections and the objectives of this chapter.

Materials to be Submitted for an Appeal/Variance

The applicant must, for a variance, supply the following information. An appeal need provide only the items with *** in front of them:

1. *** **Nine** copies of the completed application.
2. **Nine** copies of a scaled plat showing the property, existing structures, vegetation and proposed improvements.
3. **Nine** copies of a scaled vicinity map of the area. A north direction arrow and scale shall appear on such maps.
4. **Nine** copies of scaled exterior building elevations (facades) showing the proposed improvements.
5. **Nine** copies of scaled interior floor plans of the existing structure and proposed improvements.
6. **Nine** copies of photographs showing the existing structure and the sections to be altered; All original photographs shall be mounted on 8-1/2" x 11" white paper and clearly identified; photocopies of the photographs may be used in the remaining eight packets.
7. *** **One** listing of all property owners within 200 feet of the subject property. And, **two** sets of stamped No. 10 envelopes addressed to the surrounding property owners within 200 feet.
8. **One** list of the names and addresses of all persons having a financial or vested interest in the project; for corporations or partnerships, the names and addresses of all principals.
9. **Nine** copies of a written statement addressing how the requested variance meets *each* of the six standards for granting a variance; or in the case of a critical area variance how it meets *each* of the five standards for granting a critical area variance.
10. *** The application must be accompanied by a check or money order payable to the CITY OF ANNAPOLIS in the amount of the applicable fee stated below.
11. *** A master package of any exhibits, numbered and labeled, to be entered into the record of proceedings, must be given to the recording secretary *at the hearing*.

As stated above in #11, a master package of any exhibits intended to be introduced into the record must be numbered, labeled and given to the recording secretary at the night of the hearing.

Public Notice

The applicant for an appeal or a variance will be billed for a Notice of Hearing which will be placed by the Board in a local newspaper fifteen days before the hearing, and for a Notice of Decision which will be placed in a local newspaper after the Board of Appeals has reached their decision.

The applicant for an appeal or a variance, upon receipt of instructions, shall properly post the subject property and bear all costs incurred. The instructions make the applicant responsible for placing and maintaining a sign in a conspicuous place, adjacent to, and in view from, a public way so as to be legible by a person standing on such public way. The Planning and Zoning Department, acting for the Board, may assist in the proper placement. The sign must be posted and continuously maintained for fifteen days before the hearing. And, within seven days after the hearing the sign must be removed.

Meeting Time & Location

The Board of Appeals meets on the first Tuesday of the month at 7:30 p.m. in the City Council Chamber of the Municipal Building, 160 Duke of Gloucester Street. All materials relevant to a variance or appeal must be received by the Planning and Zoning Department *30 days prior to the hearing*. Only COMPLETE applications will be scheduled for hearings. Check with the Planning & Zoning Department for the monthly application deadline. Generally, the verdict (or opinion) of the Board will be available 40 days after the hearing.

Board of Appeals Fee Schedule

Any application to the Board of Appeals for a single family dwelling variance shall be subject to and accompanied by a fee of \$200.00; for all other variances, \$350.00; and for an appeal from an administrative decision shall be subject to and accompanied by a fee of \$550.00 (See Section 21.82.030).

Appeal Decision of Board of Appeals to Circuit Court

Within thirty (30) days from the date of the decision, any person or persons (including any firm, corporation or governmental agency) aggrieved by any decision of the Board of Appeals may appeal the decision to the **Circuit Court for Anne Arundel County**. Such appeal shall be taken as specified in Article 66B, Section 4.08 of the Annotated Code of Maryland and in accordance with the Maryland Rules.

If a transcript of any proceedings is desired by one of the parties thereto for said appeal, such party must bear the costs of transcribing the record taken of such proceedings. If exhibits must be duplicated by the Department of Planning and Zoning for the Circuit Court record, such duplication costs must be borne by the appellant.